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REMARKS

The last Office Action has been carefully considered.

It was noted that claims 37-38, 41-42, 44, 47 and 49 are rejected under 35 U.S.C. 102(h) as being anticipated by the patent to Alanara.

Claims 39-40, 45-46, 52-62, 66-68 and 70-71 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patent to Vanttila.

Claims 43 and 51 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patent to Winbladh.

Claim 48 is rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patent to Söderbacka.

Claim 65 is rejected under 35 U.S.C. 103 over the patent to Alanara in view of the patents to Vanttila and Söderbacka.

Claim 69 is rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Proust.

Claims 63 and 64 are rejected under 35 U.S.C. 103(a) over the patent to Alanara in view of the patents to Vanttila and Hansson.

At the same time claim 72 is allowed by the Examiner.

The Examiners allowance of claim 72 has been gratefully acknowledged. This claim has been retained as it was.

After carefully considering the Examiners' grounds for the rejection of the claims over the art, applicants have amended the claims to more clearly define the present invention. In particular the term "notice" has been replaced with the term — notification message —.

It is respectfully submitted that the amended claims on file clearly and patentably distinguish the present invention from the prior art applied by the Examiner against the original claims.

As can be understood from the arguments presented by the

Examiner, claims 37 and 71 also cover the case in which the "notice " is transmitted to the subscriber of the telecommunications network by means of a short message as its first data field, which naturally is different from the whole short message. In order to clarify the claims and to break away from this interpretation, the term "notice" has been replaced with the term -- notification message --. It is clear that the "notification message" is not transmitted with the "short message", but instead when compared with the "short message" represents an independent message to be transmitted. As defined in claim 37, the notification message is different from the short message. Thus, these are two different messages to be transmitted.

These features represent a clear difference of the present invention from the references applied by the Examiner, in particular from the solution proposed in the patent to Alanara. In this reference only the short message is transmitted. However, no different notification message about the makeup and/or content of the short message is transmitted.

The notification message as a separate independent message to be transmitted is disclosed in detail in the specification in particular in the paragraph bridging pages 10 and 11, and also in the portion of the specification including first four lines on page 12 and complete page 13.

The Examiner's opinion in accordance with which the "message ID field" is different from the "text message data field" is no longer tenable, since with the amendments to claim 37 and 71 the claims do not deal anymore with the differences between individual data fields and the messages, but instead the claims as amended clearly define the difference between two different messages, namely the notification message and the short message.

Some original claims were rejected over the patent to Alanara as anticipated. In connection with this anticipation rejection, it is believed to be advisable to cite the decision in re Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984) in which it was stated:

"Anticipation requires the presence in a single prior-art reference disclosure of each and every element of the claimed invention, arranged as in the claim."

Definitely, the patent to Alanara does not disclose all elements of the present invention as defined in claims 37 and 71, and therefore the anticipation rejection should be considered as no longer tenable with respect to these claims and should be withdrawn.

The other references applied by the Examiner in combination with the patent to Alanara have been also considered. Since they do not come closer to the currently claimed subject matter than the patent to Alanara, it is believed that any detailed comments thereon would be superfluous.

As for the Examiner's rejection of the claims over the combination of the references, it is respectfully submitted that the new features of the present invention as defined in claims 37 and 71 can not be considered as obvious from the combinations of the references., since none of the references teaches these new features of the present invention. In order to arrive at the applicant's invention from the references, taken singly or in combination in the sense of 35 U.S.C. 103, the references have to be fundamentally modified, in particular by including into them the new features of the present invention which are now defined in the amended claims 37 and 71. However, it is known that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision in re

Randol and Redford (165 USPQ 586) that

Prior patents are references only for what they clearly disclose or suggest; it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

Definitely, the references do not contain any hint or suggestion for such modifications.

In view of the above presented remarks and amendments, it is believed that claims 37 and 71 should be also considered as patentably distinguishing over the art and should be also allowed.;

As for the rejection of the dependent claims, these claims depend on claim 37, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

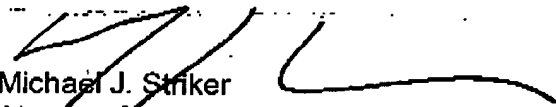
Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in

formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue.

Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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